THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5533 of 1995

ORDER:

It appears the mother of petitioner while working as Sweeper in the respondent Bank i.e. Central Accounts Office, Syndicate Bank, Nampally, Hyderabad died in harness on 14.10.1994, therefore, petitioner made an application dated 18.11.1994 seeking compassionate appointment as per the scheme available with the respondent Bank. The representation filed by the petitioner was not acted upon in spite of several reminders, therefore, he filed the present writ petition.

The respondents filed a detailed counter affidavit asserting that in the case of the deceased married female employee, the benefits under this scheme will cover her husband if he was solely dependent on her due to his incapacitation by accident, sickness etc. as per clause 1.1.4 of Bank Circular dated 17.10.1987. Further, there is no record to show that the petitioner was solely dependant on the deceased due to incapacitation by accident or sickness.

It is unfortunate that the respondent-Bank took such a stand. In this case, the petitioner, who is the son of the deceased, claims compassionate appointment. I have perused the Circular dated 17.10.1987 issued by the Bank. For the purpose of considering the case of the petitioner, clause 1.1.3 is applicable, which says, 'dependent means a son or a widow or a daughter or a brother or a sister of the deceased employee or any other near relative nominated by the widow on whom she will be wholly dependent'. The clause 1.1.4 is in addition to consider the cases of husband in a given case, but clause 1.1.4 does not debar the petitioner from claiming compassionate appointment as per clause 1.1.3 of the scheme. Therefore, the averments in the counter are made in most irresponsible way and are not tenable under law.

The Circular issued by the Respondent Bank in Proceedings

No.350/87BC/HRDD/26/MPRDS dated 17.10.1987 in respect of "Scheme for appointment on compassionate grounds" reads as under:

1. SCHEME FOR APPOINTMENT OF ONE OF THE DEPENDANTS OF THE DECEASED EMPLOYEES ON COMPASSIONATE GROUNDS:

1.1. Scheme.

1.1.1. The bank may offer employment to any one dependent of the deceased employee.

1.1.2. Employee means a regular employee whether in the subordinate, clerical or officer cadres, whether confirmed or on probation and whether working fulltime or part-time but will not include a temporary or casual employee or one appointed on contract.

1.1.3. Dependent means a son or a widow or a daughter or a brother or a sister of the deceased employee or any other near relative nominated by the widow on whom she will be wholly dependent.

1.1.4. In the case of the deceased married female employee, the benefits under this scheme will cover her husband if he was solely dependent on her due to his incapacitation by accident, sickness etc.

For all the above reasons, the writ petition is allowed and the respondents are directed to consider the appointment of the petitioner on compassionate grounds in any category to which he is entitled as on the date of filing of the application. No order as to costs.

C.V.RAMULU, J

Date: 5.9.2006
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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5533 of 1995

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5533 of 1995

Dated: 5th September, 2006

Between:

P.Venkatesh

.. Petitioner

and

The General Manager, Personnel Department,
Syndicate Bank, H.O., Manipal and another.

.. Respondents